IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 862 of 2006

IN

NOTICE OF MOTION NO. 3791 OF 2006

IN

SUIT NO. 3336 OF 2006

Mr. V. Krishnamoorthy.. ..... Appellant.

Versus

Municipal Corporation of Greater Mumbai.... .. .... ... Respondent.

Mr. T. N. Subramaniam, Senior Counsel with Mr. S.K.Sthalekar for the Appellant.

Mr. A.Y.Sakhare, Senior Counsel, with Mr. K. N. Gaikwad for the Respondent.

**CORAM : R. M. LODHA, and S. A. BOBDE, JJ.**

**DATED : 11TH DECEMBER, 2006.**

**P.C.:**

We heard Mr. T. N. Subramaniam, Senior Counsel for the appellant and Mr. A. Y. Sakhare, Senior Counsel for the respondent.

2. The appeal is from the order whereby the learned

motion Judge refused to grant an ad-interim relief to plaintiff concerning assessment charges. We find no justifiable reason to take a different view.

3. Appeal is, accordingly, dismissed in limine.

4. However, it is made clear that in case the appellant succeeds in the notice of motion or ultimately in the suit, the assessment charges paid by the appellant shall be returned by the respondent Corporation within 15 (fifteen) days of such order along with simple interest at the rate of 9% p.a. from the date of such deposit.

Sd/-

**(R. M. LODHA, J.)**

Sd/-

**(S. A. BOBDE, J.)**